

REMARKS/ARGUMENTS

Claims 12-18, 20, 22 and 29-40 are currently pending in this application.

Rejection Under 35 U.S.C. 103(a)

Examiner has rejected claims 12-13, 15-18, 20, 22 and 29-40 under 35 U.S.C. 103(a) as allegedly being unpatentable over Megevand *et al.* in view of U.S. Patent No. 5,206,568 (Bjornson *et al.*). In addition, Examiner has rejected claim 14 under 35 U.S.C. 103(a) as allegedly being unpatentable over Megevand *et al.* in view of U.S. Patent No 5,206,568 (Bjornson *et al.*) and U.S. Patent No. 5,578,460 (Ebersole *et al.*). Applicant respectfully traverses Examiner's rejections for the reasons set forth below.

Megevand *et al.* disclose collecting phytoseiid mites in a pipette tip using an aspirator, followed by sealing one end of the pipette tip using paraffin and covering the other end of the pipette tip with mite-proof gauze (page 120, 3rd paragraph from the top), to form a pipette tip having sealed ends that do not permit the mites from escaping.

Bjornson *et al.* describe a method comprising aspirating fluid into a pipette tip, releasing the aspirated fluid into a well, and transferring the fluid from the well into another well that optionally contains a chemical reagent.

Ebersole *et al.* describe sealing the dispensing end of a pipette tip to form a micro-collection tube, and using the micro-collection tube to collect fluid.

As indicated above, Megevand *et al.* discloses a completely sealed pipette tip. Megevand *et al.* does not, however, teach or suggest a pipette tip having an open end that permits mites from being removed with another pipette tip. Megevand *et al.*, therefore, teaches away from using a pipette tip having a closed end and an open end, as such a pipette tip would operate in a manner opposite to the desired function of preventing the mites from escaping from the interior of the pipette tip. As a consequence, the combination of Bjornson *et al.* and Megevand *et al.* would not result in the presently claimed invention, which requires that the second end of the sealed first pipette tip be

closed and the first end of the first pipette tip be left open to allow access of the second pipette tip to the fluid contained in the sample reservoir of the first pipette tip.

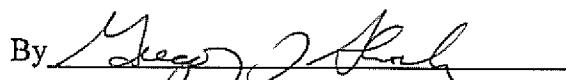
Accordingly, the presently pending claims are patentable over Megevand *et al.* in view of Bjornson *et al.*, or in view of Bjornson *et al.* and Eberson *et al.*, and Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. 103(a).

It is respectfully submitted that the above-identified application is now in a condition for allowance and favorable reconsideration and prompt allowance of these claims are respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

By 

Gregory J. Skoch, Reg. No. 48,267
HOVEY WILLIAMS LLP
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
816/474-9050

ATTORNEYS FOR APPLICANT(S)